IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2449 OF 2005

IN

SUIT NO.931 OF 1985

The Minerals & Metals Trading
Corporation of India Ltd. ...Plaintiff.

vs.

1. M/s.International Nickel
Services (U.K.) Ltd. & others. ...Respondents

Ms.Patrawala, for Plaintiff.

None for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 16th April,2007

P.C.:-

1. This is a notice of motion taken out by the

plaintiff. The affidavit in support of the notice of motion is not filed by anybody who can be said to be any officer of the plaintiff. The affidavit in support of the notice of motion has been filed by one Mr.Bharat G. Shinde who stated that he is in the employment of M/s.Bhaishankar Kanga & Girdharlal, Advocate for plaintiff. According to that affidavit, the said Advocate came late to the Court on 5.8.2005 and therefore, he could not notice that the suit is placed on the board of the Court. Whether that clerk is a registered clerk of the plaintiff is not disclosed. Primarily it is the Advocate who is responsible to the client and the Court. Some of the responsibilities can be delegated by the Advocate to the Clerk if the clerk is registered clerk at that particular time. It is nowhere disclosed whether that clerk is a registered clerk. It is also nowhere disclosed as to why the Advocate who was primarily responsible did not himself check the list. It is clear that the plaintiff, his Advocate and the clerk all were extremely negligent. The notice of motion is therefore, disposed of.